

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**YETI Coolers, LLC,**

**Plaintiff,**

**v.**

**Mercatalyst, Inc., TerraCycle US, LLC,  
Akshar Plastic, Inc., Devang H. Patel, Oscar  
Guel, Robert N. Rezak, Global Xcessories,  
Inc., and Daniel Gavrielov,**

**Defendants.**

**Case No. 1:22-cv-1337-DAE**

**Jury Trial Demanded**

**Mercatalyst, Inc.,**

**Third-Party Plaintiff,**

**v.**

**United National Closeout Stores, Inc.,**

**Third-Party Defendant.**

**PLAINTIFF YETI COOLERS, LLC'S NOTICE OF SETTLEMENT  
WITH TERRACYCLE, AND NOTICE OF WITHDRAWAL OF  
MOTION TO QUASH AND WITHDRAWAL OF OPPOSITION TO  
TERRACYCLE'S MOTION TO AMEND THE SCHEDULING ORDER**

YETI Coolers, LLC ("YETI") provides notice to the Court that it has settled its claims against TerraCycle as a result of mediation. The mediation occurred on June 4 before Patrick Keel, and the case was settled on June 6 following mediation. Accordingly, YETI hereby withdraws its Corrected Motion to Quash, Dkt. No. 163. YETI also withdraws its opposition to TerraCycle's Amended Motion to Amend the Scheduling Order, Dkt. No. 165.

Accordingly, YETI agrees and jointly moves the Court to extend the scheduling order deadlines by 60 days as referenced in the Order accompanying TerraCycle's Amended Motion to

Amend the Scheduling Order Dkt. No. 164. YETI believes this extension will allow sufficient time to finalize the settlement and dismissal documents with TerraCycle and also allow the Court to address Magistrate Judge Hightower's recommendation that the answer filed by the remaining defendant (Devang H. Patel) be stricken for discovery abuse and perjury. Dkt. No. 160.

Date: June 9, 2025

Respectfully submitted,

ALLEN OVERY SHEARMAN STERLING US LLP

/s/ David P. Whittlesey

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*Attorneys for Plaintiff YETI Coolers LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 9, 2025, the foregoing was served on all counsel of record in compliance with the Federal Rules of Civil Procedure.

*/s/ David P. Whittlesey*  
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David P. Whittlesey